

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 30, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Bob Workman

Commissioners Absent: Linda Steinman

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 23, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated January 23, 2001. Campbell, Hudkins, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 143 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Hudkins and Workman voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Allon Chapel 7th Day Adventist Church
The Arc of Nebraska
Calvary Cemetery
Cathedral of the Risen Christ
Catholic Social Services
Christian Record Services, Inc.
Our Saviour's Lutheran Church
St. Patrick's Church
The Salvation Army
Evangelical United Lutheran Church

MOTION: Heier moved and Workman seconded approval of motor vehicle tax exemptions from Allon Chapel 7th Day Adventist Church, The Arc of Nebraska, Calvary Cemetery, Cathedral of the Risen Christ, Christian Record Services, Inc., Our Saviour's Lutheran Church, St. Patrick's Church, The Salvation Army and Evangelical United Lutheran Church and to also approve a motor vehicle tax exemption for Catholic Social Services subject to the vehicle(s) being registered and titled to the applicant. Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Board of Equalization meeting was recessed until 2:30 p.m. when it was reconvened.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Bryan Bennett
Carl & Tina Hudson
James Loutzenhiser
Albert Reddish

MOTION: Hudkins moved and Workman seconded to accept the County Assessor's recommendation and set the following values: \$10,850 for Bryan Bennett, \$27,642 for Carl and Tina Hudson, \$6,675 for James Loutzenhiser and \$12,218 for Albert Reddish. Workman, Hudkins, Campbell and Heier voted aye. Motion carried.

5) **RECONSIDERATION OF A TAX EXEMPTION:**

Reconsideration of a tax exemption for the year 2000 for University Place Art Center.

Norm Agena, County Assessor, explained the University Place Art Center had originally applied for an exemption in April, 2000. He stated the County Board denied the exemption because the building was vacant due to remodeling. At that time, they (University Place Art Center) were informed to reapply prior to August 1st. Agena stated they reapplied on July 28, 2000, however, no building permit was filed. Another inspection was done in December, 2000 which showed the remodeling had not been completed.

Agena recommended denial of the exemption for 2000.

MOTION: Workman moved and Heier seconded to deny reconsideration of a tax exemption for 2000 for University Place Art Center. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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- 2) **CLAIMS:** Approval of all claims processed through Tuesday, January 30, 2001.

MOTION: Workman moved and Hudkins seconded approval. Heier, Campbell, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Chad Madson for his services with the Lincoln Police Department.

4) **PUBLIC HEARINGS:**

A. Revisions to the Lancaster County General Assistance Guidelines. (A copy of the proposed revisions is on file with the Lancaster County Clerk.)

The Chair opened the public hearing and noted that Susan Klein, Health and Human Services, was available for questions regarding the revisions.

Kerry Eagan, Chief Administrative Officer, gave a brief overview of changes to the following General Assistance Guidelines:

► ***Client and Agency Responsibilities***

Client Responsibilities (Page 3) - - Revision to reporting requirements regarding the determination of eligibility.

Exempt Resources (Page 6) - - Increased the motor vehicle value from \$1,800 to \$5,000.

Potential Income (Page 6) - - Changed the Job Training Program Act (JPTA) to the Workforce Investment Act (WIA)

► ***Assistance Provided***

Goods and Services Provided (Page 8) - - Replacement of "Board and Room" with the term "Assisted Living". Addition of the provision that an individual cannot receive assisted living through General Assistance without a written statement from a physician indicating the client is in need of the level of care provided by an assisted living facility.

► ***Classification of Need***

Change in terminology to comport with the terms contained in the Nebraska Revised Statutes.

► ***County Cremations/Burials***

County Services (Page 18) - - Addition of provision allowing the County discretion to bury or cremate an unclaimed body. Addition of provision giving the County Board's chief administrative officer authorization to authorize cremation of an unclaimed body on behalf of the County.

Allowable Expenses - - Fee language to be moved to Appendix B of the guidelines.

► ***Income and Resource Standards***

Nonmedical General Assistance - - Change guideline regarding applicant's net income from equaling 50 percent or below of the Office of Management and Budget (OMB) poverty guidelines to "must be equal to or below 70 percent of the OMB poverty guidelines".

4) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Heier, Eagan explained that a survey was conducted regarding the fees which were updated in 1995/1996. He also noted that a cost of living multiplier was built into those fees.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Heier moved and Workman seconded approval of the revisions to the Lancaster County General Assistance Guidelines. Workman, Hudkins, Campbell and Heier voted aye. Motion carried.

B. County Special Permit Number 185, Stevens Creek Pointe Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, for seven single family dwelling units on property generally located at North 134th and Adams Streets in Lancaster County, Nebraska.

C. Preliminary Plat Number 00027, Stevens Creek Pointe, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, for seven lots on property generally located at North 134th and Adams Streets in Lancaster County, Nebraska.

The Chair opened the public hearing for County Special Permit 185 and Preliminary Plat 00027.

Brian Carstens, appearing on behalf of Gerry and Dianne Krieser, stated the seven lots range in size from three acres to approximately six acres. He added that there would be gravel roadways, individual septic systems on each lot and that Cass County would be providing rural water. Carstens also stated they would not be impacting the east beltway.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

MOTION: Hudkins moved and Heier seconded to direct the County Attorney's Office to prepare resolutions approving County Special Permit Number 185, Stevens Creek Pointe Community Unit Plan, and Preliminary Plat Number 00027, Stevens Creek Pointe, on property generally located at North 134th and Adams Streets in Lancaster County, Nebraska. Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

A. Election of the Chair and Vice Chair for the Lancaster County Board of Commissioners for 2001.

MOTION: Heier moved and Workman seconded to nominate Kathy Campbell as Chair of the Lancaster County Board of Commissioners for 2001. Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

MOTION: Hudkins moved and Heier seconded to nominate Bob Workman as Vice Chair of the Lancaster County Board of Commissioners for 2001. Campbell, Workman, Heier and Hudkins voted aye. Motion carried.

B. An agreement between Lancaster County, the City of Lincoln and United Way of Lincoln for the implementation of the Community Based Human Needs Assessment in conjunction with the University of Nebraska Public Policy Center, for an eight month period. The parties to the agreement shall each pay the County \$25,000 for the services the County has contracted to receive. (C-01-43)

MOTION: Workman moved and Heier seconded approval. Heier, Workman, Campbell and Hudkins voted aye. Motion carried.

C. A resolution authorizing the installation of a directional guide sign for Waverly High School on North 148th Street south of Amberly Road for northbound traffic. (R-01-7)

MOTION: Workman moved and Hudkins seconded approval of Resolution 01-7.

Heier asked if there was a directional sign for Waverly High School off of Highway 6 and Amberly Road.

Larry Worrell, County Surveyor, stated no and added that he would speak with the school board regarding signage at that location.

5) **NEW BUSINESS CONTINUED:**

ROLL CALL: Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

D. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Niewohner Construction, Inc. for channel maintenance, in the amount of \$24,957.50. (B-01-4)

MOTION: Hudkins moved and Workman seconded approval. Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

E. Setting the date of Tuesday, February 6, 2001 at 1 p.m. to reconsider the violation of County Resolution 3557 by DLH, Inc. d/b/a Coaches Sports Bar and Grill, pursuant to the remand of this matter to the Lancaster County Board of Commissioners by the Nebraska Liquor Control Commission.

MOTION: Heier moved and Workman seconded approval.

David Johnson, Deputy County Attorney, stated he tried to contact K C Engdahl, attorney representing the licensee, last Thursday (January 25) and again on Monday (January 29) and Tuesday (January 30), however, he was unsuccessful.

Campbell stated the County Board received information from the Nebraska Liquor Control Commission and read the following into the record, "On the 14th day of December, 2000 this matter came on for hearing before the Nebraska Liquor Control Commission on an order to show cause whether or not the license should be suspended, cancelled or revoked based upon the Lancaster County Board of Commissioners' recommendation to the Commission. Upon consideration of all the evidence in this matter, the Nebraska Liquor Control Commission finds: 1) That the matter should be remanded back to the Lancaster County Board."

Hudkins asked if the attorneys would be receiving notification of the hearing.

Consensus of the County Board to request the County Clerk's Office to send written notification, via certified mail, to the attorneys of record regarding the hearing.

ROLL CALL: Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

F. A political subdivision tort claim filed by Joan Nelson for child support, in the amount of \$200.

David Johnson, Deputy County Attorney, gave a brief explanation of the claim and recommended approval.

MOTION: Hudkins moved and Heier seconded approval of the tort claim filed by Joan Nelson, in the amount of \$200, and to request the office of the Clerk of the District Court to obtain reimbursement from the State of Colorado. Campbell, Heier, Workman and Hudkins voted aye. Motion carried.

G. A political subdivision tort claim filed by Todd Bennett on behalf of Andrew Heavican for damages, in the amount of \$500,000.

MOTION: Hudkins moved and Heier seconded to deny the tort claim filed by Todd Bennet, on behalf of Andrew Heavican. Hudkins, Campbell, Heier and Workman voted aye. Motion carried.

H. Appointment of Marcia Malone, to fulfill a vacancy, to the Lincoln-Lancaster County Commission on Aging Advisory Board, term to expire July 1, 2003.

MOTION: Heier moved and Workman seconded approval. Campbell, Hudkins, Heier and Workman voted aye. Motion carried.

I. Appointment of Maria T. Medrano-Nehls to the Attention Center Community Advisory Committee for a term ending December 31, 2002.

MOTION: Workman moved and Hudkins seconded approval. Heier, Campbell, Hudkins and Workman voted aye. Motion carried.

- 6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:
- A. **Receive and Place on File:**
 - 1. **Annual Report for the Lancaster County Cooperative Extension Office.**
 - B. **A resolution in relation to County Miscellaneous Number 00012, requested by the Lancaster County Engineer, for a text amendment to the Lancaster County Subdivision Resolution deleting outdated language and adding text to update references regarding minimum improvements. (R-01-5)**
 - C. **A resolution approving County Change of Zone Number 201, from "AG" to "AGR" Agricultural Residential, requested by Lyle Loth of ESP on behalf of South 68th Street, L.L.C., on property generally located at the southeast corner of South 68th Street and Roca Road in Lancaster County, Nebraska. (R-01-8)**
 - D. **A resolution approving County Preliminary Plat Number 00018, Hickman Ridge Estates, formerly known as Roca Ridge, generally located on the southeast corner of South 68th Street and Roca Road in Lancaster County, Nebraska. (R-01-6)**
 - E. **Leasehold contracts between the Lancaster County Engineer and the following relating to road improvements:**
 - ▶ **Dennis Egger, in the amount of \$10, on South 54th Street from Roca Road to Saltillo Road; Project C55-S-405(1). (C-01-45)**
 - ▶ **Dennis and Rodney Egger, in the total amount of \$20, on South 54th Street from Roca Road to Saltillo Road; Project C55-S-405(1). (2 contracts) (C-01-46 and C-01-47)**

6) **CONSENT ITEMS CONTINUED:**

F. Two right-of-way contracts between the Lancaster County Engineer and Phyllis E. Kuster, in the total amount of \$3,071.88, on South 54th Street from Roca Road to Saltillo Road; Project C-55-S-405(1). (C-01-48 and C-01-49)

MOTION: Heier moved and Workman seconded approval of the Consent Items. Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

7) **EMERGENCY ITEMS:**

Kerry Eagan, Chief Administrative Officer, requested the County Board add an item to the agenda on an emergency basis. He explained that the item is an application for an adult drug court grant to the Community Health Endowment, in the amount of \$220,000. Eagan stated the Chair needs to execute the application at their present meeting in order to submit it to the Community Health Endowment by Wednesday, January 31st.

MOTION: Heier moved and Workman seconded to add to the agenda as an emergency item an application for an adult drug court grant to the Community Health Endowment.

Eagan further stated the grant would be for case management services for mental health and substance abuse and domestic and family violence.

ROLL CALL: Workman, Hudkins, Campbell and Heier voted aye. Motion carried.

MOTION: Heier moved and Workman seconded approval of an application for an adult drug court grant to the Community Health Endowment for case management services for mental health and substance abuse and domestic and family violence, in the amount of \$220,000. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

8) **ANNOUNCEMENTS:**

Kerry Eagan, Chief Administrative Officer, noted that the staff meeting scheduled for Thursday, February 1, 2001 would begin at 8 a.m. instead of 8:15 a.m.

9) **ADJOURNMENT**

MOTION: Hudkins moved and Workman seconded adjournment of the Board of Commissioners meeting. Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk